

**Before The
Federal Communications Commission
Washington, D.C. 20554**

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FEDERAL BUREAU OF INVESTIGATION
OFFICE OF SECRETARY

CC Docket No. 94-158

Amendment of Policies and Rules Concerning Operator Service Providers and Call Aggregators

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COMMENTS

The Competitive Telecommunications Association ("CompTel"), by its attorneys, submits these comments on the Commission's Notice of Proposed Rulemaking and Notice of Inquiry ("NPRM") in the above-captioned proceeding.¹ CompTel is the principal industry association for the nation's competitive long distance providers, representing over 140 members, many of whom provide operator services at aggregator locations. CompTel welcomes the opportunity to comment on the changes proposed in the NPRM.

The NPRM proposes two rule changes. First, it proposes to clarify that when an OSP handles a collect call, both the party who places the call and the called party who accepts the charges are entitled to receive an aural identification (or "branding") of the OSP.² CompTel supports this change. As the Commission concluded, both parties

¹ FCC 94-352 (rel. Feb. 8, 1995).

² NPRM at ¶ 5.

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play a role in the initiation of a collect call, and both should receive disclosure of the OSP handling their call. Moreover, CompTel believes this practice already is followed by the majority of OSPs, so that the cost of compliance with this new rule should be minimal.

Second, the NPRM proposes that aggregators, in addition to OSPs, should bear responsibility for compliance with the minimum standards for the handling of emergency calls.³ As the NPRM notes, OSPs already are required to meet these minimum standards, and although CompTel is not aware of difficulties caused by aggregator resistance, it welcomes any additional assistance that may result from expanding responsibility to include the aggregators themselves. There can be no doubt that the proper processing of emergency calls is an important public policy. To the extent the proposed change can assist in the prompt routing of these calls to the proper authorities, it is a welcome change.

Finally, the Commission initiated a Notice of Inquiry to examine an aggregator's responsibility, upon a change in presubscribed OSPs, to update the posted information identifying the OSP.⁴ Specifically, the Commission asks whether it should adopt a time period within which the posted information must be changed, and if so, what time period would be reasonable.

³ NPRM at ¶ 7.

⁴ NPRM at ¶ 11-12.

The Commission cites reports of some aggregators not revising the posted information promptly and requests comment on the extent of this problem. CompTel also is aware of reports of lengthy delays in changing the posted information for some phones. Much of this problem arises from the fact that changing the posted information at the phone requires time to print new signs or cards, visit the phone locations, etc. One of the more common examples of this problem occurs with LEC payphones, where the LECs do not process signage changes as quickly as is needed.

This situation is as frustrating to OSPs as it is to others. OSPs compete vigorously to provide operator services at these phones, yet, once they have obtained the necessary authorization, the posted information often does not identify them, sometimes for a period of weeks.⁵ An OSP, however, is powerless to make changes in the posted information at a telephone; this ability is enjoyed solely by the entity that owns the phone. Indeed, OSP attempts to influence LEC payphone posting procedures and content have been almost uniformly rebuked.

Therefore, CompTel supports a requirement that the posted information be updated within a specified time period. This should be the responsibility of the phone

⁵ Of course, the OSP will begin immediately to provide its aural brand on calls placed from the phone, thereby informing the caller which carrier actually will carry the call. One of the advantages of the aural brand is that, unlike the posted information, this information changes immediately upon the change in presubscribed carriers. Thus, the aural brand helps reduce the chance of a misimpression caused by outdated information posted on the phone.

owner, who is not necessarily the "aggregator" within the Commission's definition.⁶

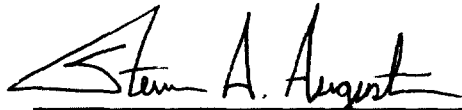
A determination of the proper time period for such changes should take into account the practical difficulties faced by the phone owner in updating this information, particularly where the phones are numerous or geographically dispersed. A phone owner should be required to revise the posted information as promptly as is reasonably practicable.

Respectfully submitted,

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⁶ See 47 C.F.R. § 64.708(b). For example, in the case of LEC payphones, the premises owner appears to be the entity that "in the ordinary course of its operations, makes telephones available to the public," but it is the LEC that maintains the phone and is responsible for payphone signage.